

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND ZONING VARIANCE - W/S of * ZONING COMMISSIONER
Williams Park Road, 200' N of *
Old Padonia Road * OF BALTIMORE COUNTY
(9704 Williams Park Road) *
8th Election District * Case No. 93-102-XA
3rd Councilmanic District *
May C. Brewer *
Petitioner * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception and a Petition for Zoning Variance filed by May C. Brewer, by and through her attorney, Newton A. Williams, Esquire. The Petitioner requests approval to use the subject property as a service garage in combination with the existing office and residential uses thereon, and variance relief from Sections 409.8.A.2 and A.6, and 405.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a crushed stone surface in lieu of the required striped, durable and dustless surface, all as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petitions were Walter L. Brewer, Jr., legal owner of the subject site. He was represented by Newton A. Williams, Esquire. Also appearing on behalf of the Petitions were Eugene F. Raphael, Registered Professional Land Surveyor, and Stephen Rhine, Sr. who leases the subject property. There were no Protestants.

Testimony indicated that the subject property, known as 9704 Williams Park Road, consists of 0.38 acres, more or less, zoned M.L.-I.M., and is improved with a two-story dwelling which has office space. The Petitioner filed the instant Petitions to legitimize existing conditions and uses on the property. Testimony indicated that the Petitioner purchased the property in 1977 at which time it was used as a retail outlet

for swimming pools. Mr. Brewer testified that he obtained a permit for a change in occupancy in 1982 to convert a portion of the existing dwelling into office space for his plumbing business. Subsequently, he relocated his plumbing business to York Road and leased the subject property to Mr. Rhine in 1991.

Mr. Rhine testified that he resides on the property and operates a towing business from the site. He stated that he has been in the towing business since 1975 and primarily serves automobile dealerships and apartment complexes along the York Road corridor. Mr. Rhine believes that the subject property is an ideal site for his towing business due to its location and the nature of the surrounding uses. Testimony indicated that Mr. Rhine is in the process of obtaining a license from the Baltimore County Police Department to tow accident and abandoned vehicles. Mr. Rhine testified that he keeps four tow trucks on the site and that they are stored in the storage area to the rear of the dwelling. He indicated that vehicles towed to the site are kept on the rear lot for a limited period of time. Mr. Rhine stated that no body or fender work is performed on the site. He testified that the rear of the property is paved with a crushed stone surface that is well-compacted and provides good drainage. Testimony indicated that this surface is of sufficient depth to support the vehicles utilizing this site.

The Department of Public Works and the Office of Planning submitted comments as part of the Zoning Advisory Committee report. The Department of Public Works recommended that Williams Park Road be widened to a minimum width of 16 feet to accommodate the traffic generated by the use on this site and that the Petitioner erect a chain link fence around the parameter of the property. The Office of Planning recommended certain

landscaping to screen the property from adjoining uses. In response to those comments, Mr. Rhine testified that he would rather install a wooden fence with a row of trees in lieu of the suggested chain link fence to provide screening of the subject site from adjoining properties. However, he is agreeable to whatever landscaping is proposed by the County Landscape Planner. Mr. Rhine further testified that Williams Park Road is only used by himself and his adjoining neighbor, James Hom, and that widening the road to the extent required by the regulations would be unreasonably burdensome. Testimony and evidence presented indicated that the subject access road is owned by Mr. Hom and is currently 15 feet wide.

In the opinion of this Zoning Commissioner, the Petitioner's request to substitute a wooden fence with trees for the recommended chain link fencing would be more aesthetically pleasing and more effective in terms of screening the property from adjoining neighbors. However, I will leave the details of the landscaping plan to the County's landscape planner. In addition, the testimony was clear that only the Petitioner and his neighbor, Mr. Hom, use Williams Park Road, which is a private road owned by Mr. Hom. In my view, the road is of sufficient width to handle the limited traffic generated by the Petitioner's use of the property and widening of the road is not warranted.

It is clear that the B.C.Z.R. permits the use proposed in a M.L.-I.M. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and

requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the relief requested is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the special exception and variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of November, 1992 that the Petition for Special Exception to use the subject property as a service garage in combination with the existing office and residential uses thereon, be and is hereby GRANTED, subject to the restrictions set forth hereinafter; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance requesting relief from Sections 409.8.A.2 and A.6, and 405.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a stone surface in lieu of the required striped, durable and dustless surface, in accor-

dance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Within thirty (30) days of the date of this Order, Petitioner shall submit a landscape plan for approval by the Deputy Director of Planning and the Landscape Planner for Baltimore County. A copy of the approved plan shall be submitted to this Office for inclusion in the case file.
- 3) There shall be no service garage or body and/or fender work performed on the subject site. The use of the subject property is limited to that of a towing operation with storage of a maximum of 20 vehicles at any one time.
- 4) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

LES:bjs

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

November 17, 1992

(410) 887-4386

Newton A. Williams, Esquire
210 W. Pennsylvania Avenue, Suite 700
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE
W/S Williams Park Road, 200' N of Old Padonia Road
(9407 Williams Park Road)
8th Election District - 3rd Councilmanic District
May C. Brewer, et al - Petitioners
Case No. 93-102-XA

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

110



Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 9704 Williams Park Road

which is presently zoned M.L.-I.M.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a service garage in an M.L.-I.M. zone (in conjunction with existing office and single family residence).

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

| | |
|------------------------------------|----------------------|
| Current Petitioner/Owner: | Legal Owner(s): |
| (Type or Print Name) | (Type or Print Name) |
| Signature | Signature |
| Address | Address |
| City | City |
| State | State |
| Zip | Zip |
| 3 Roosevelt Street | 252-1414 |
| Towson, MD 21203 | |
| Newton A. Williams, Esq. | |
| Nolan, Plumbhoff & Williams, Chtd. | |
| Suite 700, Court Towers | |
| 210 W. Pennsylvania Avenue | |
| Towson, MD 21204 | |
| (410) 823-7800 | |
| ESTIMATED LENGTH OF USE: | 110 |
| REVIEWED BY: | DATE: 11/19/92 |

107

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: October 13, 1992
Office of Zoning Administration and Development Management

FROM: Mr. W. B. Belling, P.E., Chief
Engineering Division

SUBJECT: Zoning Advisory Committee Meeting
October 13, 1992

The following information was reviewed
and approved for the proposed zoning
change. The proposed zoning change is
consistent with the zoning ordinance.

Rec'd 10/14/92

CHAIN LINK SPECS. - 8' TALL

A. Vinyl coated chain link fencing minimum specifications

1. Fabric Material -

- o Vinyl coated steel chain link fabric in accordance with ASTM - 468 - type 2B.
- o Steel core wire shall be galvanized in accordance with ASTM - 641 - 71A.
- o Color shall be a dark, earth tone.
- o The fabric type shall be:
 - a) standard industrial type
 - b) 2" x 1/8"
 - c) 9 gauge
 - d) 0.148" core wire diameter
 - e) 1290 lbs. breakload
- o The fabric selvage shall be knuckled on the top and bottom.

2. Post and framing - all steel parts shall be hot-dipped galvanized as per ASTM, prior to vinyl coating. Thickness of vinyl coating shall be 10-14 mills applied by fusion bonding.

3. Slabbing specifications

P.D.S. (Privacy Decorative Slabbing) or equal. 0.951 density polyethylene hollow rectangular tube that fits snugly into the weave of chain link fabric. The melt index value is .35/.40 (environmental stress crack resistance (ESCR)). The low temperatures brittle point is -76 degrees Fahrenheit.

SHA Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Mr. Julie Winkler
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 107 (34)

Dear Ms. Winkler:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

David A. Ramsey 10/13/92
John Contestabile, Chief
Engineering Access Permits
Division

RECEIVED
OCT 5 1992

ZONING OFFICE

Rec'd 10/15/92

My telephone number is

383-7555 Baltimore Metro - 545-5451 D.C. Metro - 1-800-492-5063 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21202-5717

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: October 9, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahne J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: October 5, 1992

ITEM NUMBER: 107

- 1) The existing access to this site is substandard. The minimum acceptable pavement width is 16 ft.
- 2) The status of William Parks Road needs to be clarified (public or private).

Rahne J. Famili
Traffic Engineer II

RJF/lvd

Rec'd 10/14/92

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

OCTOBER 19, 1992

(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: MAY C. BREWER

Location: #9704 WILLIAMS PARK ROAD

Item No.: #107 (JLL) Zoning Agenda: OCTOBER 5, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Capt. James J. Jaffer
Planning Group
Special Inspection Division

JP/KEK

Rec'd 10/14/92

Development Review Committee Response
Authorized signature: [Signature] Date: 10/13/92

| Project Name | Waiver Number | Zoning Issue | Meeting Date |
|--------------------------------|---------------|--------------|--------------|
| Ronald I. and Gisela J. Canary | 109 | No Comment | 10-5-92 |
| DED DEPRM RP STP TE | | | |
| J. Homer Weidemeyer | 110 | No Comment | |
| DED DEPRM RP STP TE | | | |
| Irvin C. Ludloff, Jr. | 111 | No Comment | |
| DED DEPRM RP STP TE | | | |
| Emanuel Baptist Church | 112 | No Comment | |
| DED DEPRM RP STP TE | | | |
| Jean P. Fraunfelder | 113 | No Comment | |
| DED DEPRM RP STP TE | | | |
| Richard J. Januszkiewicz | 114 | No Comment | |
| DED DEPRM RP STP TE | | | |

COUNT 6

| | | | |
|---------------------|--|--|---------|
| May C. Brewer | | | 10/5/92 |
| DED DEPRM RP STP TE | | | |

COUNT 1

FINAL TOTALS
COUNT 7

*** END OF REPORT ***

Rec'd 10/14/92

93-102-A

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: November 2, 1992

FROM: J. Lawrence Pilson, RP
Development Coordinator, DEPRM

SUBJECT: Zoning Item #107
9704 Williams Park Road
Zoning Advisory Committee Meeting of

We recommend approval of the variance to permit unstriped stone paving in lieu of the required striped, durable, dustless surface. The area will be used for storing abandoned and towed vehicles, consequently, the potential for airborne particulate problems are minimal.

LP:sp

WILLIAMS/TXTS8P

RECEIVED
16 1992
ZONING COMMISSIONER

Rec'd 11/10/92

93-102-A Nov. 5

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration & Development Management

DATE: October 19, 1992

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Walter L. Brewer Property

INFORMATION:
Item Number: 107

Petitioner: May C. Brewer

Property Size: 0.38

Zoning: ML-IM

Requested Action: Variance, Special Exception

Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:
The petitioner is requesting a Special Exception to allow a service garage in an ML-IM zone and a variance to permit unstriped stone paving in lieu of the required striped, durable, dustless surface.

The Office of Planning and Zoning recommends that the following conditions be met.

Requirements of the landscape manual have not been met. Screening from adjacent residentially used property must have a 10' wide planting strip containing class A screening. The Office of Planning and Zoning recommends that a final landscape plan be submitted for approval by the County's Landscape Architect.

Also, hardship or practical difficulty has not been demonstrated in providing the required striped, durable, dustless paving. Stone paving must be maintained to prevent soil erosion and soil compaction.

Prepared by: [Signature]

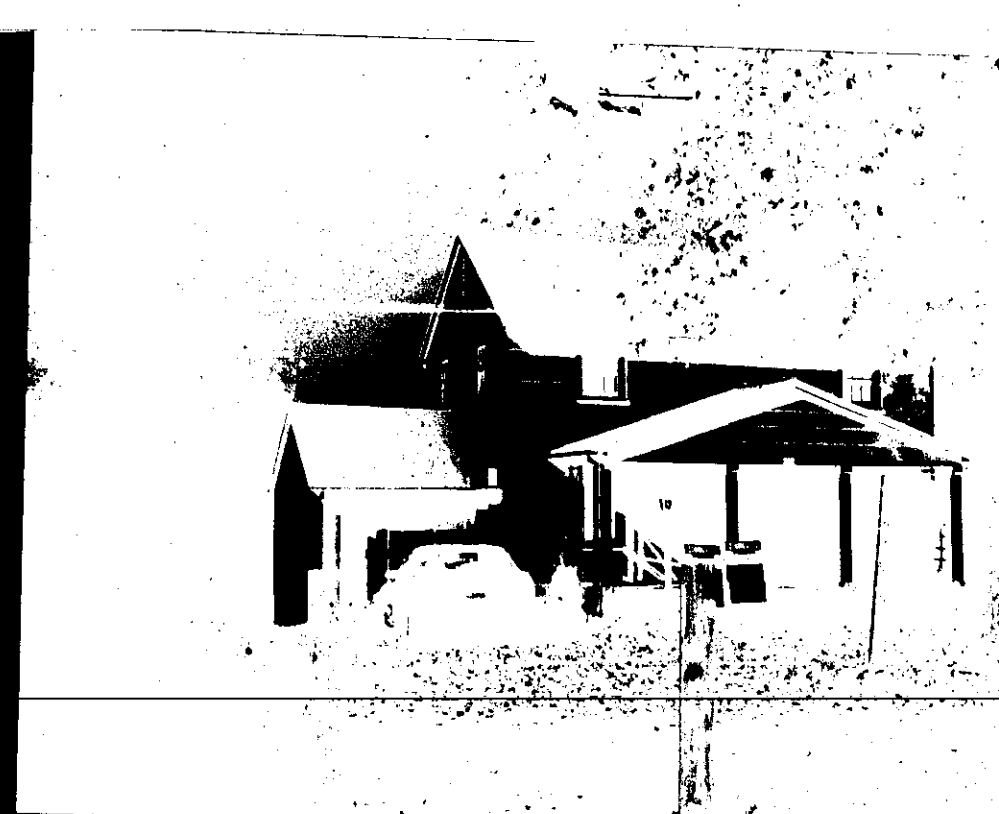
Division Chief: [Signature]

ENC/D/PN:rdn

| NAME | ADDRESS |
|---------------------|------------------------|
| William J. Williams | 205 Central Ave. W. |
| William J. Williams | 9704 Williams Park Dr. |
| William J. Williams | 112 West 1st St. |



A. Front view of 9704



B. Looking W from Restaurant Parking Lot



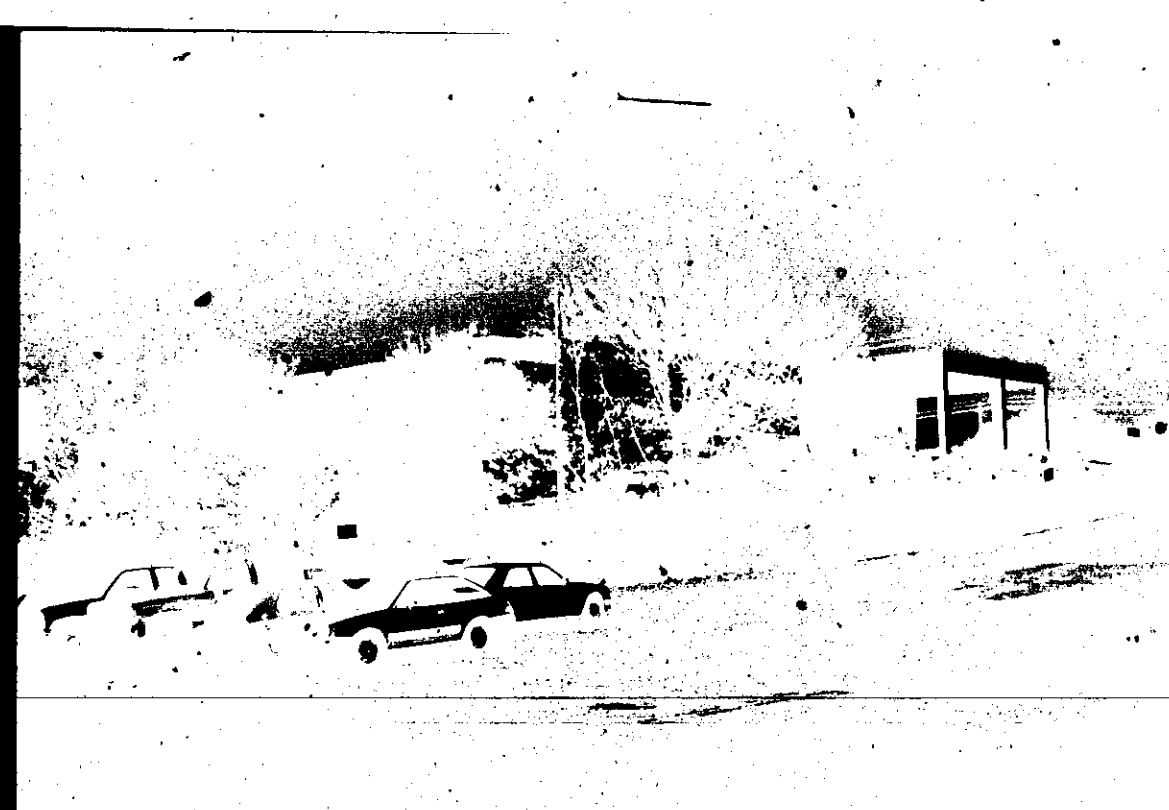
C. Looking east from 9704 toward restaurant and York Road



D. Looking South on Williams Park Drive toward Old Padonia Road from site



E. View of S/S of 9704 Williams Park Dr.



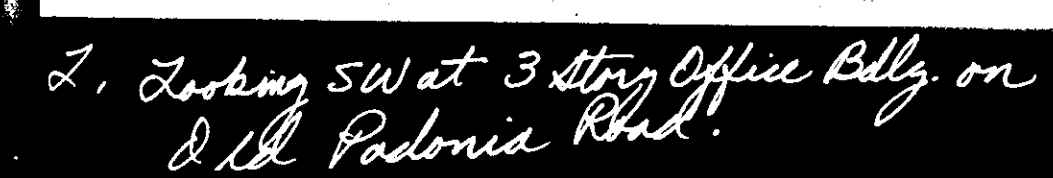
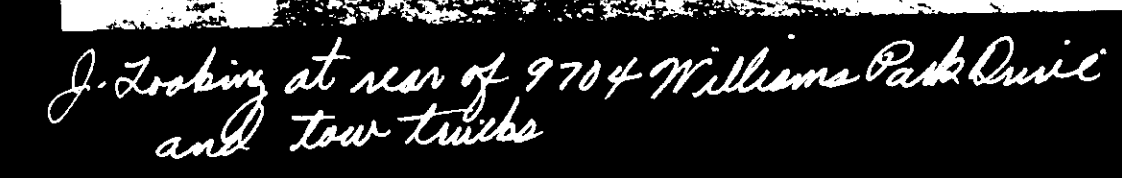
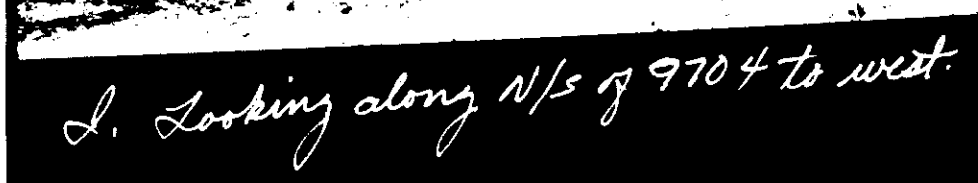
F. Looking N/E toward dealership



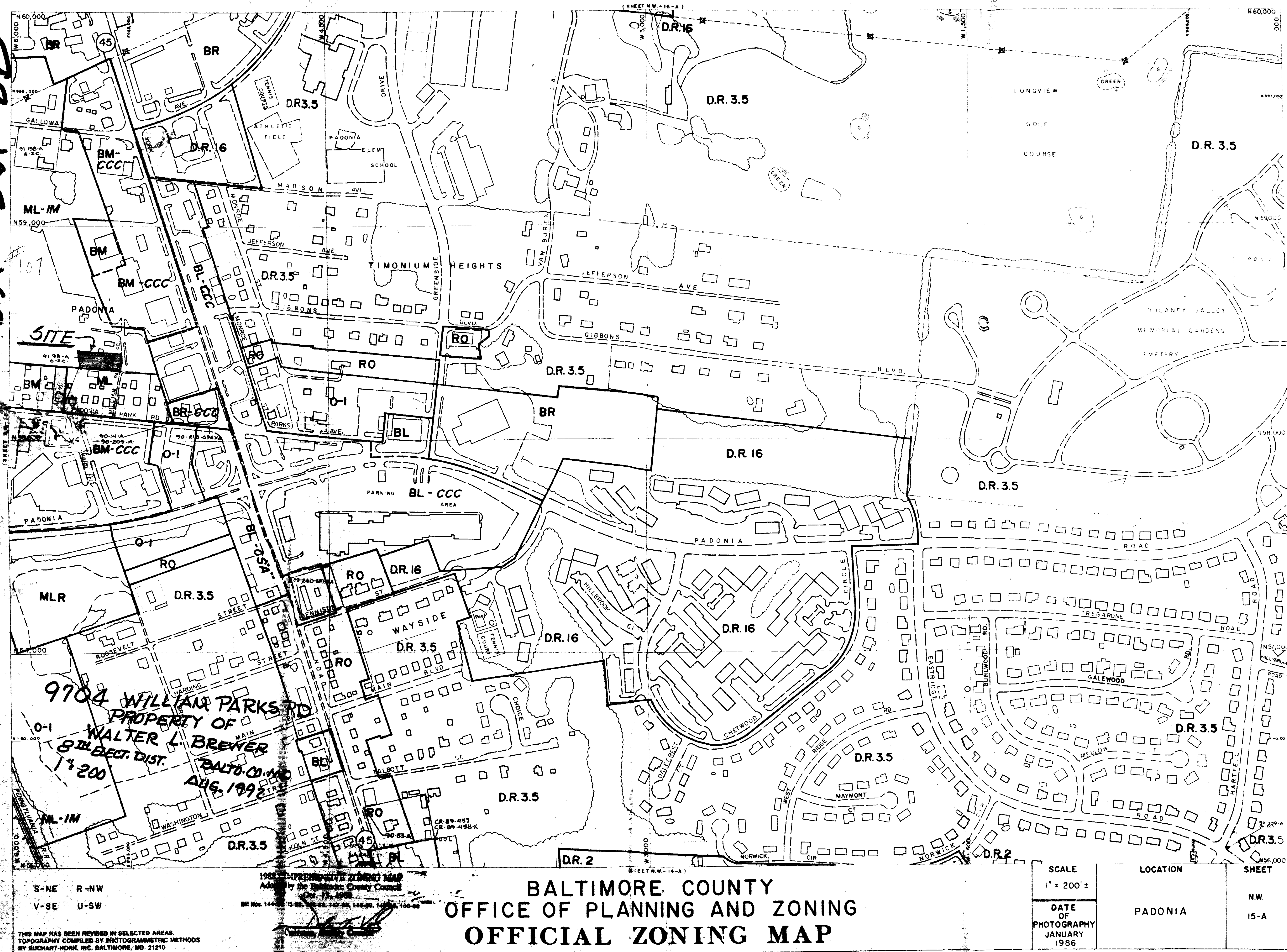
G. Looking SE at C & P Phone Bldg on York Rd.



H. Looking N/E toward lot



93-102-XA



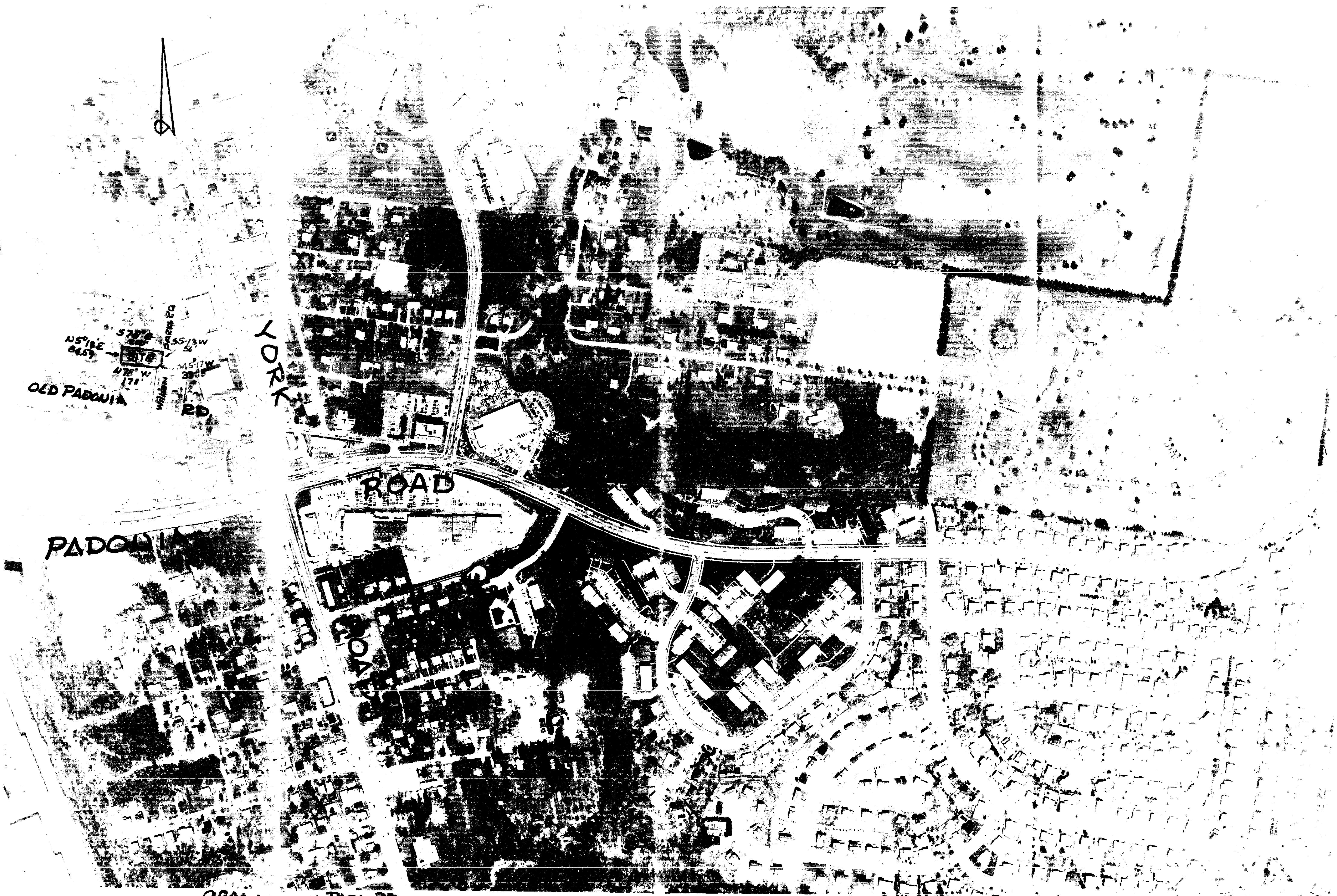
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

S-NE R-NW
V-SE U-SW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY SUCHART-HORN, INC. BALTIMORE, MD. 21210

| SCALE | LOCATION | SHEET |
|-------------------------------------|----------|---------|
| 1" = 200' ± | PADONIA | NW 15-A |
| DATE OF PHOTOGRAPHY JANUARY 1986 | | |

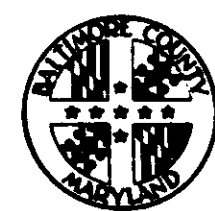
93-102-XA



9704 WILLIAM PARK RD.
PROPERTY OF
WALTER L. BREWER
8TH ELEC. DIST. BALTO. CO. MD.
1" = 200' AUG. 1992

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

| | | |
|---------------------------|----------|--------------|
| SCALE | LOCATION | SHEET |
| 1" = 200' | PADONIA | N.W. 15-A |
| DATE OF PHOTOGRAPHY | | |
| JANUARY 1992 | | |



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9704 Williams Park Road

which is presently zoned ML-1M

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner of the property above is Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 409.0A.02 (Surface) and M6 (Striped) and 405.A2 (Paving) to permit unstriped stone paving in lieu of the required striped, durable, dustless service.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. The existing rear parking area is well compacted, fenced, stone.
2. The yard is screened and fenced and not open to the public.
3. The existing paving functions well, is porous, and has served well.
4. To require the owner to pave and stripe the yard would be needlessly burdensome and cause additional run-off.

5. The proposed variance will not harm the health, safety and welfare.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor

(Type or Print Name)

Signature

Address

City

Attorney for Petitioner: Newton A. Williams

Nolan, Plumbhoff & Williams, Chtd.

(Type or Print Name)

Suite 700, Court Towers

210 W. Pennsylvania Avenue

Towson, MD 21204

Phone No. (410) 823-7800

(We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner of the property which is the subject of this Petition.)

Legal Owner(s)

MAY C. BREWER

(Type or Print Name)

Signature

Address

City

3 Roosevelt Street 252-1414

Pikesville, MD 21093

Phone No.

Newton A. Williams

Suite 700, Court Towers

210 W. Pennsylvania Ave., Towson, MD 21204

Phone No. 823-7800

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Responsible for Hearing

the following date

ALL REVIEWED BY: DATE 9/22/92

107

E. F. RAPHEL & ASSOCIATES

Registered Professional Land Surveyors

205 COURTLAND AVENUE

TOWSON, MARYLAND 21204

OFFICE: 887-8908

DESCRIPTION TO ACCOMPANY

ZONING PETITION

#9704 WILLIAM PARKS ROAD

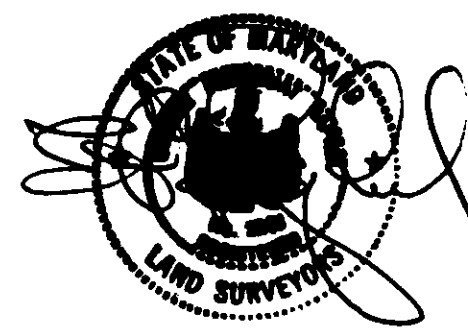
RESIDENCE: 771-4882

August 25, 1992

Beginning for the same at a point on the west side of a 15' private right of way, known as William Parks Road, said point being located N 78° 03' 30" W 550' ± along the north right of way of Old Padonia Road, and N 11° 56' 30" E 200' along the west side of the 15' private right of way, known as William Parks Road, from the intersection formed by the center line of York Road, and the northern right of way line of Old Padonia Road, thence leaving said 15' right of way and running the 5 following courses and distances; 1) N 78° W 178.00', 2) N 5° 13' E 84.59', 3) S 78° E 200.00', to the west side of said 15' right of way, thence on west side of said 15' right of way, 4) S 5° 13' W 56.00' and 5) S 45° 17' W 33.98' to the place of beginning.

Containing 0.38 Acres ±.

Being known as #9704 Williams Parks Road.



E. F. RAPHEL
Reg. Prof. Land Surveyor
2246

107

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 12A Date of Posting: 10/18/92

Posted for: Special Exception & Variance

Petitioner: Mr. C. Brewer

Location of property: 9704 Williams Parks Rd., N/A 200' N/O/LB Lewis Rd.

Location of sign: _____

Remarks: _____

Posted by: [Signature] Date of return: 11/2/92

Number of signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD. 10/8, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/8, 1992.

THE JEFFERSONIAN,

S. Zafe [Signature]

Publisher



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: 8-001-4189

Number

Date

9/22/92

PUBLICATION FEES

10% ZONING VARIANCE (OTHER)

15% SPECIAL ADVERTISING

LAST NAME OF OWNER: BREWER

49300107

PRICE

\$250.00

\$150.00

TOTAL: \$550.00

04A04800571CHRC

BA COOP:18A09-22-92

\$550.00

Please Make Checks Payable To: Baltimore County

Cashier Validation



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: 8-001-6150

Number

11/3/92 Leary

93-102

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 10/20/92

May C. Brewer
3 Roosevelt Street
Pikesville, Maryland 21093

RE: CASE NUMBER: 93-102-XA (Item 107)
405 Williams Park Road (private) 200' W of Old Padonia Road at a point 550' W of York Road
9704 Williams Park Road
8th Election District - 3rd Councilmanic
Petitioner(s): May C. Brewer
HEARING: THURSDAY, NOVEMBER 5, 1992 at 9:00 a.m. in Rm. 118, Old Courthouse

Dear Petitioner(s):

Please be advised that \$ 99.33 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE CASE SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this notice is suggested.

[Signature]
ARNOLD JARLAN
DIRECTOR

cc: Newton A. Williams, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-102-XA (Item 107)
405 Williams Park Road (private) 200' W of Old Padonia Road at a point 550' W of York Road
9704 Williams Park Road
8th Election District - 3rd Councilmanic
Petitioner(s): May C. Brewer
HEARING: THURSDAY, NOVEMBER 5, 1992 at 9:00 a.m. in Rm. 118, Old Courthouse

Special Exception for a service garage.
Variance to permit unstriped stone paving in lieu of the required striped, durable, dustless surface.

[Signature]
LAWRENCE E. SCHWARTZ

Zoning Commissioner of
Baltimore County

cc: May C. Brewer
Newton A. Williams, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

October 20, 1992

Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Item No. 107, Case No. 93-102-XA
Petitioner: May C. Brewer
Petition for Variance & Special Exception

Dear Mr. Williams:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 22nd day of September, 1992.

[Signature]
ARNOLD JARLAN
DIRECTOR

Received By:

[Signature]
Chairman,
Zoning Plans Advisory Committee

Petitioner: May C. Brewer

Petitioner's Attorney: Newton A. Williams

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: October 13, 1992
Office of Zoning Administration and Development Management

FROM: Mr. W. B. Belling, P.E., Chief
Division of Engineering Division

SUBJECT: Zoning Advisory Committee Meeting
October 13, 1992

The following information was reviewed
and approved for the proposed zoning change.
The proposed zoning change is consistent with the
Baltimore County Zoning Ordinance.

Rec'd 10/14/92

CHAIN LINK SPECS. - 8' TALL

A. Vinyl coated chain link fencing minimum specifications

1. Fabric Material -

- o Vinyl coated steel chain link fabric in accordance with ASTM - 468 - type 2B.
- o Steel core wire shall be galvanized in accordance with ASTM - 641 - 71A.
- o Color shall be a dark, earth tone.
- o The fabric type shall be:
 - a) standard industrial type
 - b) 2" x 1/8"
 - c) 9 gauge
 - d) 0.148" core wire diameter
 - e) 1290 lbs. breakload
- o The fabric selvage shall be knuckled on the top and bottom.

2. Post and framing - all steel parts shall be hot-dipped galvanized as per ASTM, prior to vinyl coating. Thickness of vinyl coating shall be 10-14 mills applied by fusion bonding.

3. Slabbing specifications

P.D.S. (Privacy Decorative Slabbing) or equal. 0.951 density polyethylene hollow rectangular tube that fits snugly into the weave of chain link fabric. The melt index value is .35/.40 (environmental stress crack resistance (ESCR)). The low temperatures brittle point is -76 degrees Fahrenheit.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Mr. Julie Winkler
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 107 (34)

Dear Ms. Winkler:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

David A. Ramsey 10/13/92
John Contestabile, Chief
Engineering Access Permits
Division

RECEIVED
OCT 5 1992

ZONING OFFICE

Rec'd 10/15/92

My telephone number is

383-7555 Baltimore Metro - 545-5451 D.C. Metro - 1-800-492-5063 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21202-5717

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: October 9, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahne J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: October 5, 1992

ITEM NUMBER: 107

- 1) The existing access to this site is substandard. The minimum acceptable pavement width is 16 ft.
- 2) The status of William Parks Road needs to be clarified (public or private).

Rahne J. Famili
Traffic Engineer II

RJF/lvd

Rec'd 10/14/92

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

OCTOBER 19, 1992

(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: MAY C. BREWER

Location: #9704 WILLIAMS PARK ROAD

Item No.: #107 (JLL) Zoning Agenda: OCTOBER 5, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Capt. James J. Jaffer
Planning Group
Special Inspection Division

JP/KEK

Rec'd 10/14/92

Development Review Committee Response
Authorized signature: [Signature] Date: 10/13/92

| Project Name | Waiver Number | Zoning Issue | Meeting Date |
|--------------------------------|---------------|--------------|--------------|
| Ronald I. and Gisela J. Canary | 109 | No Comment | 10-5-92 |
| DED DEPRM RP STP TE | | | |
| J. Homer Weidemeyer | 110 | No Comment | |
| DED DEPRM RP STP TE | | | |
| Irvin C. Ludloff, Jr. | 111 | No Comment | |
| DED DEPRM RP STP TE | | | |
| Emanuel Baptist Church | 112 | No Comment | |
| DED DEPRM RP STP TE | | | |
| Jean P. Fraunfelder | 113 | No Comment | |
| DED DEPRM RP STP TE | | | |
| Richard J. Januszkiewicz | 114 | No Comment | |
| DED DEPRM RP STP TE | | | |

COUNT 6

| | |
|---------------------|------------|
| May C. Brewer | 10/5/92 |
| DED DEPRM RP STP TE | No Comment |

COUNT 1

FINAL TOTALS
COUNT 7

*** END OF REPORT ***

Rec'd 10/14/92

93-102-A

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: November 2, 1992

FROM: J. Lawrence Pilson, RP
Development Coordinator, DEPRM

SUBJECT: Zoning Item #107
9704 Williams Park Road
Zoning Advisory Committee Meeting of

We recommend approval of the variance to permit unstriped stone paving in lieu of the required striped, durable, dustless surface. The area will be used for storing abandoned and towed vehicles, consequently, the potential for airborne particulate problems are minimal.

LP:sp

WILLIAMS/TXTS8P

RECEIVED
16 1992
ZONING COMMISSIONER

Rec'd 11/10/92

93-102-A Nov. 5

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration & Development Management

DATE: October 19, 1992

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Walter L. Brewer Property

INFORMATION:
Item Number: 107

Petitioner: May C. Brewer

Property Size: 0.38

Zoning: ML-IM

Requested Action: Variance, Special Exception

Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:
The petitioner is requesting a Special Exception to allow a service garage in an ML-IM zone and a variance to permit unstriped stone paving in lieu of the required striped, durable, dustless surface.

The Office of Planning and Zoning recommends that the following conditions be met. Requirements of the landscape manual have not been met. Screening from adjacent residentially used property must have a 10' wide planting strip containing class A screening. The Office of Planning and Zoning recommends that a final landscape plan be submitted for approval by the County's Landscape Architect.

Also, hardship or practical difficulty has not been demonstrated in providing the required striped, durable, dustless paving. Stone paving must be maintained to prevent soil erosion and soil compaction.

Prepared by: [Signature]

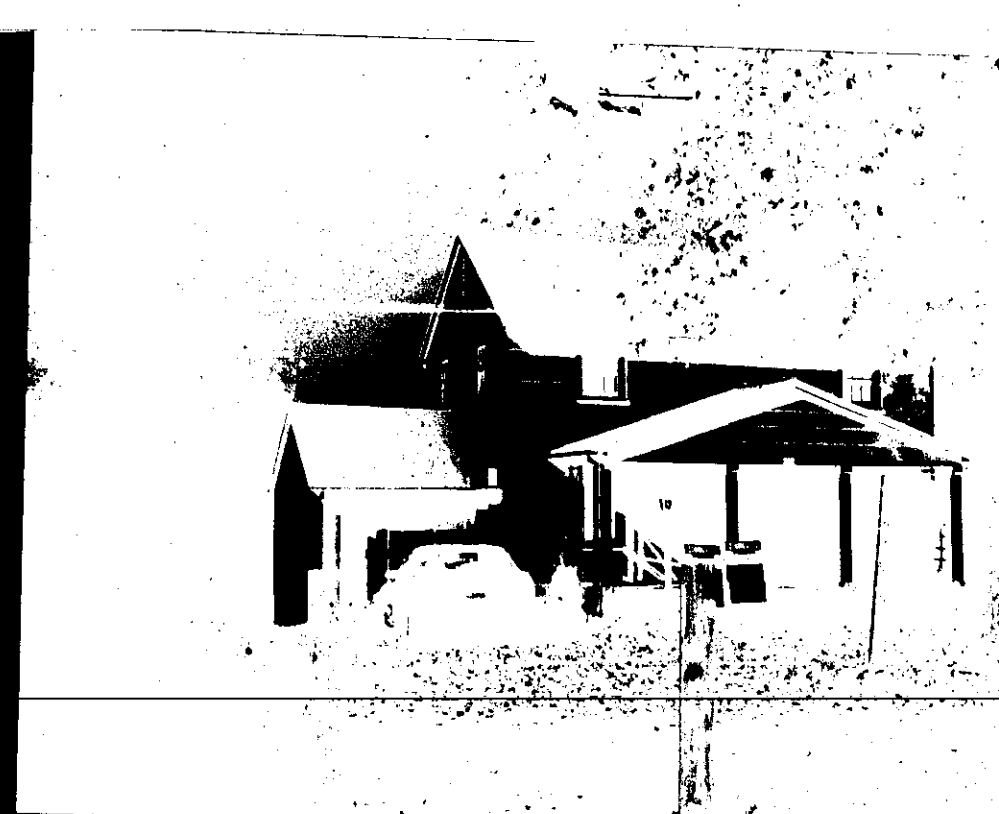
Division Chief: [Signature]

ENC/D/PN:rdn

| NAME | ADDRESS |
|---------------------|------------------------|
| William J. Williams | 205 Central Ave. W. |
| William J. Williams | 9704 Williams Park Dr. |
| William J. Williams | 112 West 1st St. |



A. Front view of 9704



B. Looking W from Restaurant Parking Lot



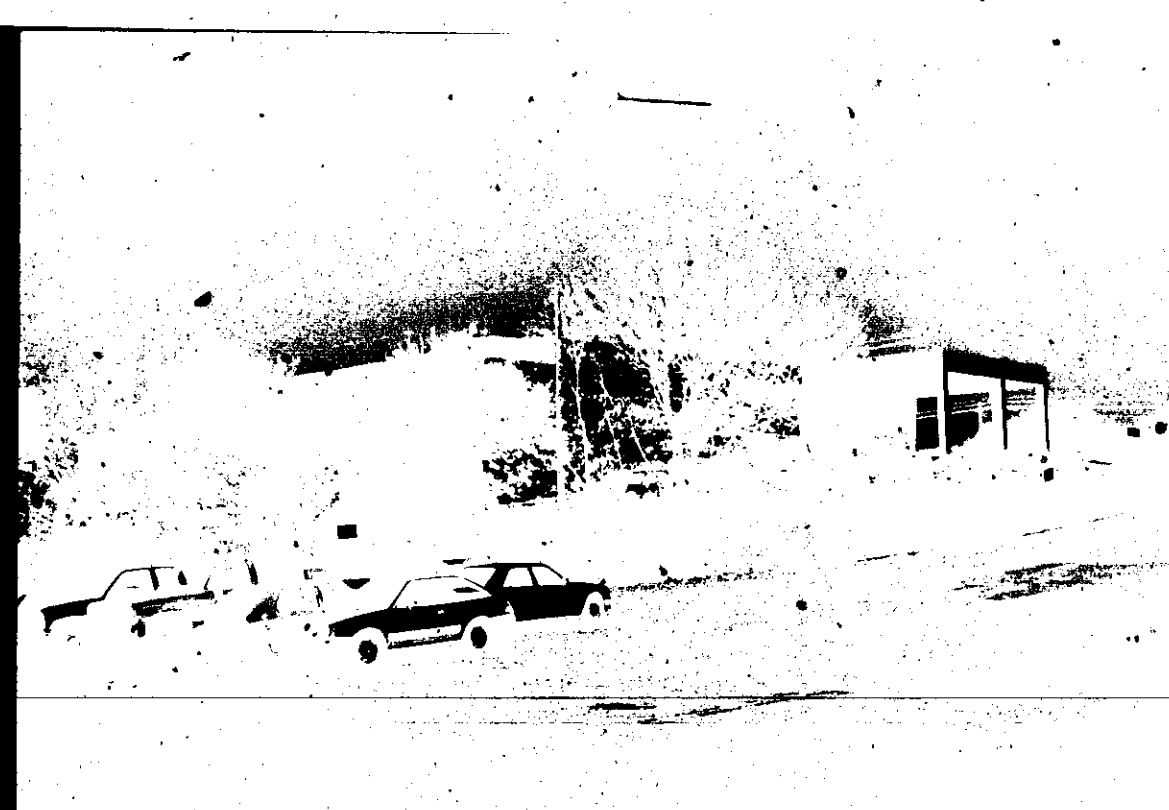
C. Looking east from 9704 toward restaurant and York Road



D. Looking South on Williams Park Drive toward Old Padonia Road from site



E. View of S/S of 9704 Williams Park Dr.



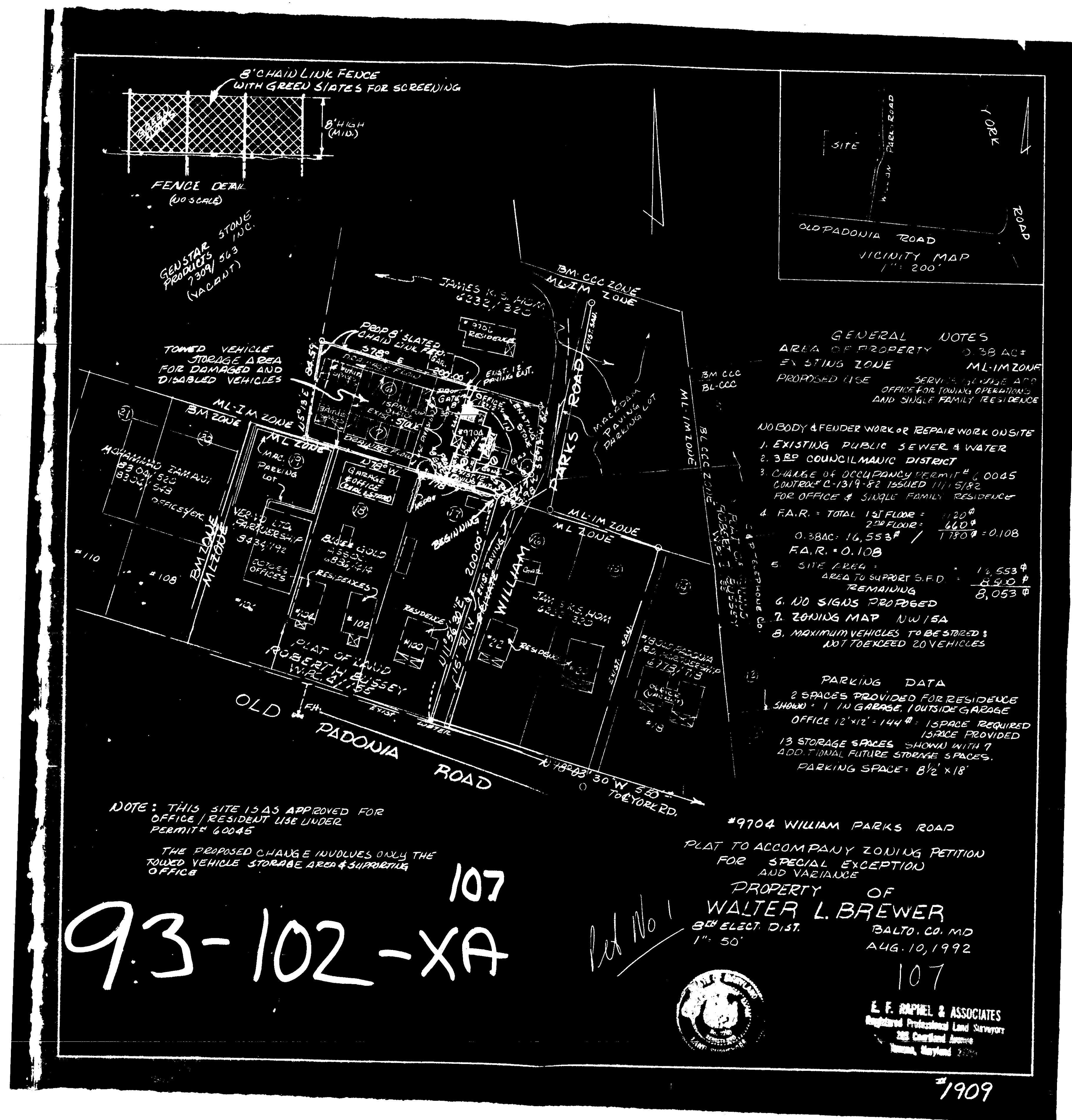
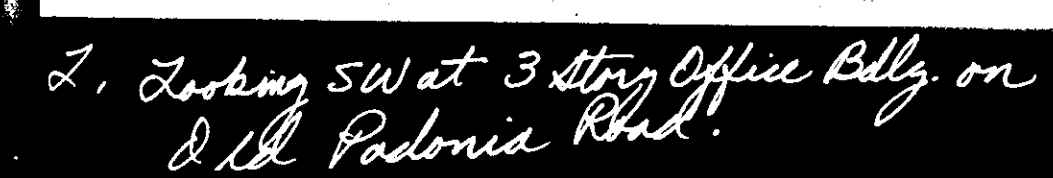
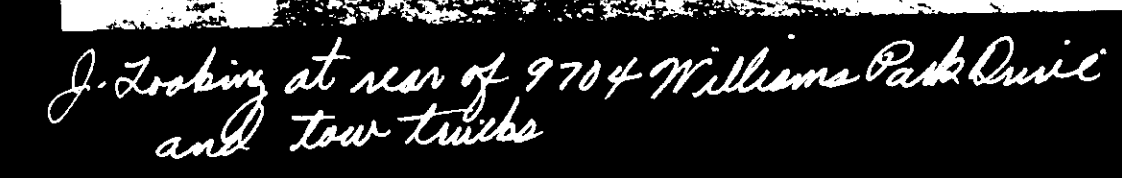
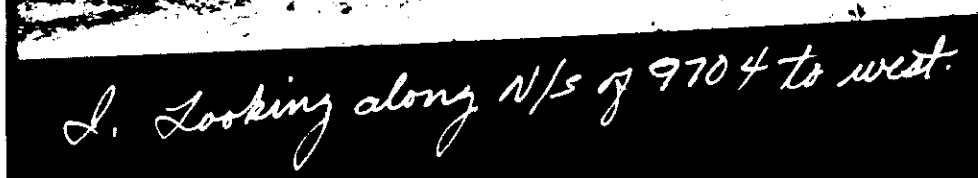
F. Looking N/E toward dealership



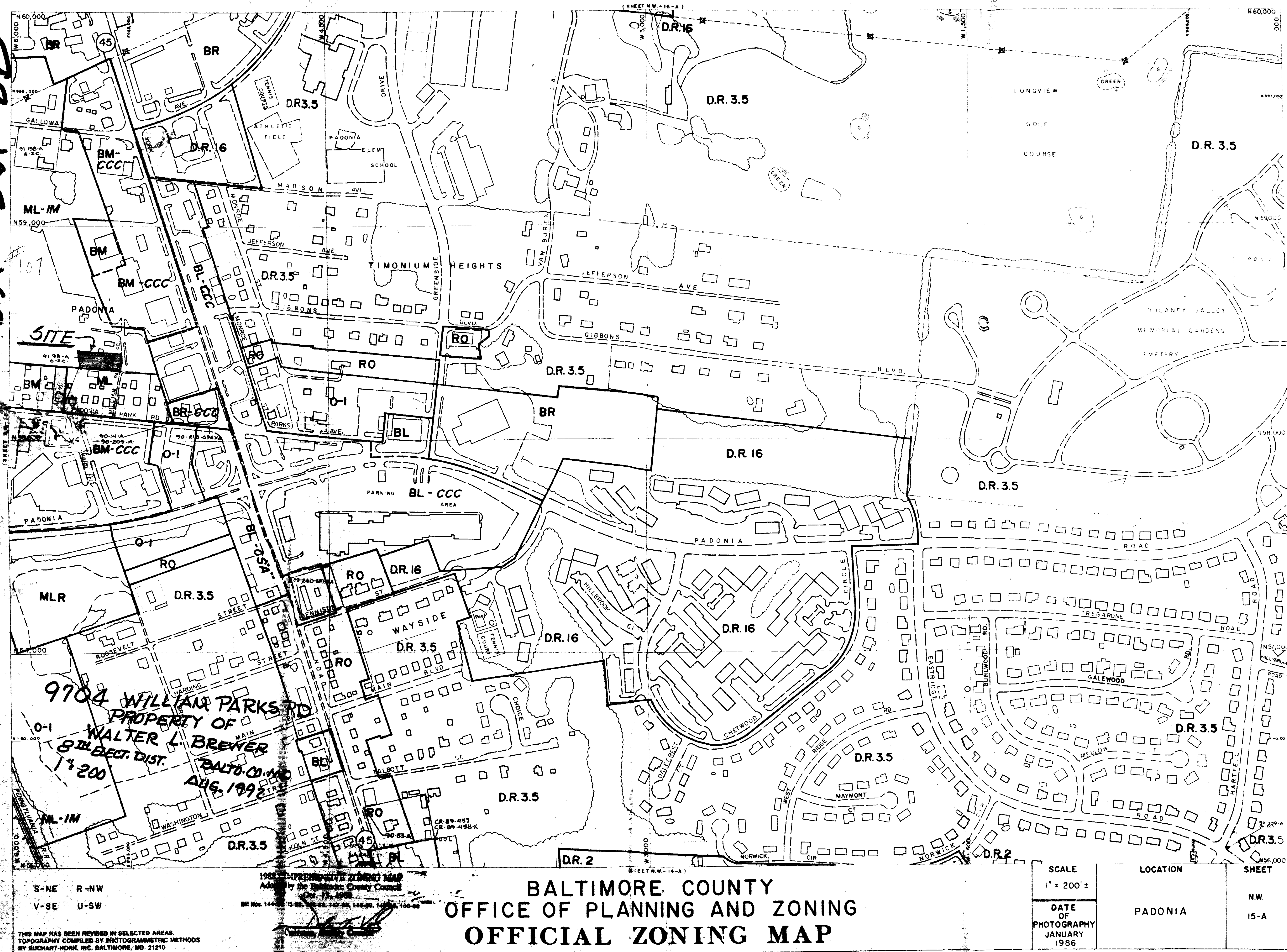
G. Looking SE at C & P Phone Bldg on York Rd.



H. Looking N/E toward lot



93-102-XA



S-NE R-NW
V-SE U-SW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY SUCHART-HORN, INC. BALTIMORE, MD. 21210

1986 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
On 12-15-86
Ord. No. 144-86

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

| SCALE | LOCATION | SHEET |
|---------------------|----------|-------|
| 1" = 200' ± | PADONIA | NW |
| DATE OF PHOTOGRAPHY | | 15-A |
| JANUARY 1986 | | |

93-102-XA



9704 WILLIAM PARK RD.
PROPERTY OF
WALTER L. BREWER
8TH ELEC. DIST. BALTO. CO. MD.
1" = 200' AUG. 1992

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200'

LOCATION
PADONIA

SHEET

N.W.
15-A

DATE
OF
PHOTOGRAPHY
JANUARY 1992

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND ZONING VARIANCE - W/S of * ZONING COMMISSIONER
Williams Park Road, 200' N of *
Old Padonia Road * OF BALTIMORE COUNTY
(9704 Williams Park Road) *
8th Election District * Case No. 93-102-XA
3rd Councilmanic District *
May C. Brewer *
Petitioner * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception and a Petition for Zoning Variance filed by May C. Brewer, by and through her attorney, Newton A. Williams, Esquire. The Petitioner requests approval to use the subject property as a service garage in combination with the existing office and residential uses thereon, and variance relief from Sections 409.8.A.2 and A.6, and 405.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a crushed stone surface in lieu of the required striped, durable and dustless surface, all as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petitions were Walter L. Brewer, Jr., legal owner of the subject site. He was represented by Newton A. Williams, Esquire. Also appearing on behalf of the Petitions were Eugene F. Raphael, Registered Professional Land Surveyor, and Stephen Rhine, Sr. who leases the subject property. There were no Protestants.

Testimony indicated that the subject property, known as 9704 Williams Park Road, consists of 0.38 acres, more or less, zoned M.L.-I.M., and is improved with a two-story dwelling which has office space. The Petitioner filed the instant Petitions to legitimize existing conditions and uses on the property. Testimony indicated that the Petitioner purchased the property in 1977 at which time it was used as a retail outlet

for swimming pools. Mr. Brewer testified that he obtained a permit for a change in occupancy in 1982 to convert a portion of the existing dwelling into office space for his plumbing business. Subsequently, he relocated his plumbing business to York Road and leased the subject property to Mr. Rhine in 1991.

Mr. Rhine testified that he resides on the property and operates a towing business from the site. He stated that he has been in the towing business since 1975 and primarily serves automobile dealerships and apartment complexes along the York Road corridor. Mr. Rhine believes that the subject property is an ideal site for his towing business due to its location and the nature of the surrounding uses. Testimony indicated that Mr. Rhine is in the process of obtaining a license from the Baltimore County Police Department to tow accident and abandoned vehicles. Mr. Rhine testified that he keeps four tow trucks on the site and that they are stored in the storage area to the rear of the dwelling. He indicated that vehicles towed to the site are kept on the rear lot for a limited period of time. Mr. Rhine stated that no body or fender work is performed on the site. He testified that the rear of the property is paved with a crushed stone surface that is well-compacted and provides good drainage. Testimony indicated that this surface is of sufficient depth to support the vehicles utilizing this site.

The Department of Public Works and the Office of Planning submitted comments as part of the Zoning Advisory Committee report. The Department of Public Works recommended that Williams Park Road be widened to a minimum width of 16 feet to accommodate the traffic generated by the use on this site and that the Petitioner erect a chain link fence around the parameter of the property. The Office of Planning recommended certain

landscaping to screen the property from adjoining uses. In response to those comments, Mr. Rhine testified that he would rather install a wooden fence with a row of trees in lieu of the suggested chain link fence to provide screening of the subject site from adjoining properties. However, he is agreeable to whatever landscaping is proposed by the County Landscape Planner. Mr. Rhine further testified that Williams Park Road is only used by himself and his adjoining neighbor, James Hom, and that widening the road to the extent required by the regulations would be unreasonably burdensome. Testimony and evidence presented indicated that the subject access road is owned by Mr. Hom and is currently 15 feet wide.

In the opinion of this Zoning Commissioner, the Petitioner's request to substitute a wooden fence with trees for the recommended chain link fencing would be more aesthetically pleasing and more effective in terms of screening the property from adjoining neighbors. However, I will leave the details of the landscaping plan to the County's landscape planner. In addition, the testimony was clear that only the Petitioner and his neighbor, Mr. Hom, use Williams Park Road, which is a private road owned by Mr. Hom. In my view, the road is of sufficient width to handle the limited traffic generated by the Petitioner's use of the property and widening of the road is not warranted.

It is clear that the B.C.Z.R. permits the use proposed in a M.L.-I.M. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and

requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the relief requested is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the special exception and variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of November, 1992 that the Petition for Special Exception to use the subject property as a service garage in combination with the existing office and residential uses thereon, be and is hereby GRANTED, subject to the restrictions set forth hereinafter; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance requesting relief from Sections 409.8.A.2 and A.6, and 405.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a stone surface in lieu of the required striped, durable and dustless surface, in accor-

dance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Within thirty (30) days of the date of this Order, Petitioner shall submit a landscape plan for approval by the Deputy Director of Planning and the Landscape Planner for Baltimore County. A copy of the approved plan shall be submitted to this Office for inclusion in the case file.
- 3) There shall be no service garage or body and/or fender work performed on the subject site. The use of the subject property is limited to that of a towing operation with storage of a maximum of 20 vehicles at any one time.
- 4) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

LES:bjs

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

November 17, 1992

(410) 887-4386

Newton A. Williams, Esquire
210 W. Pennsylvania Avenue, Suite 700
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE
W/S Williams Park Road, 200' N of Old Padonia Road
(9407 Williams Park Road)
8th Election District - 3rd Councilmanic District
May C. Brewer, et al - Petitioners
Case No. 93-102-XA

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

110



Petition for Special Exception to the Zoning Commissioner of Baltimore County

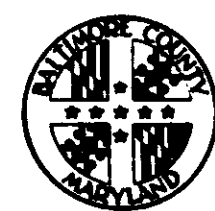
for the property located at 9704 Williams Park Road

which is presently zoned M.L.-I.M.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a service garage in an M.L.-I.M. zone (in conjunction with existing office and single family residence).

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or my agent, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

| | |
|---------------------------------------------------------------------------------------------|--------------------------|
| Current Petitioner/Owner: | Legal Owner(s): |
| (Type or Print Name) | (Type or Print Name) |
| Signature | Signature |
| Address | Address |
| City | City |
| State | State |
| Zip | Zip |
| Phone No. | Phone No. |
| 3 Roosevelt Street | 252-1414 |
| Towson, MD 21203 | |
| Newton A. Williams, Esq. Nolan, Plumbhoff & Williams, Chtd. | |
| Suite 700, Court Towers 210 W. Pennsylvania Avenue Towson, MD 21204 (410) 823-7800 | |
| ESTIMATED LENGTH OF USE: | ESTIMATED LENGTH OF USE: |
| 110 | 110 |
| REVIEWED BY: | DATE: |
| 107 | |



93-102-XA
Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 9704 Williams Park Road
which is presently zoned ML-1M

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner of the property above in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 409.0A, 42 (Surface) and 406 (Striped) and 405.02 (Paving) to permit unstriped stone paving in lieu of the required striped, durable, dustless surface.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
1. The existing rear parking area is well compacted, fenced, stone.
2. The yard is screened and fenced and not open to the public.
3. The existing paving functions well, is porous, and has served well.
4. To require the owner to pave and stripe the yard would be needlessly burdensome and cause additional run-off.
5. The proposed variance will not harm the health, safety and welfare.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor

(Type or Print Name)

Signature

Address

City

Attorney for Petitioner: Newton A. Williams
Nolan, Plumbhoff & Williams, Chtd.
(Type or Print Name)

Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204
Phone No. (410) 823-7800

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93-102-XA
E. F. RAPHEL & ASSOCIATES
Registered Professional Land Surveyors
205 COURTLAND AVENUE
TOWSON, MARYLAND 21204

OFFICE: 887-8908

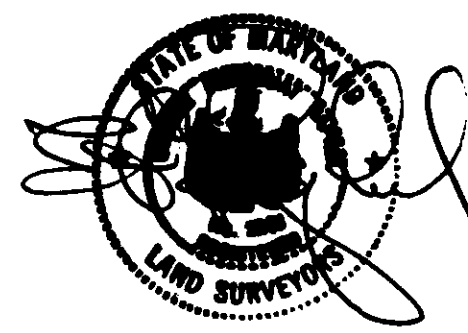
DESCRIPTION TO ACCOMPANY
ZONING PETITION
#9704 WILLIAM PARKS ROAD

RESIDENCE: 771-4882

August 25, 1992

Beginning for the same at a point on the west side of a 15' private right of way, known as William Parks Road, said point being located N 78° 03' 30" W 550' ± along the north right of way of Old Padonia Road, and N 11° 56' 30" E 200' along the west side of the 15' private right of way, known as William Parks Road, from the intersection formed by the center line of York Road, and the northern right of way line of Old Padonia Road, thence leaving said 15' right of way and running the 5 following courses and distances; 1) N 78° W 178.00', 2) N 5° 13' E 84.59', 3) S 78° E 200.00', to the west side of said 15' right of way, thence on west side of said 15' right of way, 4) S 5° 13' W 56.00' and 5) S 45° 17' W 33.98' to the place of beginning.

Containing 0.38 Acres ±.
Being known as #9704 Williams Parks Road.



E. F. Raphael
Reg. Prof. Land Surveyor
2246

107

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 107 Date of Posting: 10/18/92
Posted for: Special Exception & Variance
Petitioner: Mr. C. Brewer
Location of property: 9704 Williams Parks Rd., N/A 200' N/O/LB Lewis Rd.
Location of Sign: _____
Remarks: _____
Posted by: [Signature] Date of return: 10/22/92
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD. 10/8, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/8, 1992.

THE JEFFERSONIAN,

S. Zafe [Signature]

Publisher



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: 8-001-4189

Number

Date

9/22/92

PUBLICATION FEES

107 ZONING VARIANCE (OTHER)

107 SPECIAL EXCEPTION

LAST NAME OF OWNER: BREWER

49300107

QTY PRICE

1 \$250.00

1 \$50.00

TOTAL: \$300.00

04A04800571CHRC

BA COOP:18A09-22-92

\$550.00

Please Make Checks Payable To: Baltimore County

Cashier Validation



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: 8-001-4189

Number

107

10/15/92

93-102

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 10/20/92

May C. Brewer
3 Roosevelt Street
Towson, Maryland 21204

RE: CASE NUMBER: 93-102-XA (Item 107)
405 Williams Park Road (private) 200' W of Old Padonia Road at a point 550' W of York Road
9704 Williams Park Road
8th Election District - 3rd Councilmember
Petitioner(s): May C. Brewer
HEARING: THURSDAY, NOVEMBER 5, 1992 at 9:00 a.m. in Rm. 118, Old Courthouse

Dear Petitioner(s):

Please be advised that \$ 99.33 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE CASE SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this notice is suggested.

Arnold Jarlan
DIRECTOR

cc: Newton A. Williams, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-102-XA (Item 107)
405 Williams Park Road (private) 200' W of Old Padonia Road at a point 550' W of York Road
9704 Williams Park Road
8th Election District - 3rd Councilmember
Petitioner(s): May C. Brewer
HEARING: THURSDAY, NOVEMBER 5, 1992 at 9:00 a.m. in Rm. 118, Old Courthouse

Special Exception for a service garage.
Variance to permit unstriped stone paving in lieu of the required striped, durable, dustless surface.

Lawrence E. Schmitt
LAWRENCE E. SCHMITT

Zoning Commissioner of
Baltimore County

cc: May C. Brewer
Newton A. Williams, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

October 20, 1992

Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Item No. 107, Case No. 93-102-XA
Petitioner: May C. Brewer
Petition for Variance & Special Exception

Dear Mr. Williams:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 22nd day of September, 1992.

Arnold Jarlan
DIRECTOR

Received By:

W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: May C. Brewer

Petitioner's Attorney: Newton A. Williams